

### **REMARKS**

Claims 39-45 are pending. Claims 39 and 45 stand rejected under 35 USC § 102 and claims 40-42 stand rejected under 35 USC § 103.

Applicant cancelled claim 39. Applicant appreciates notice of the allowable subject matter but objected to in claims 43 and 44.

#### **Applicant requests interview**

Applicant respectfully requests an interview if it would expedite disposition of the application. The undersigned attorney would welcome and encourage a telephone conference with Examiner at (512) 243-5936.

#### **Reservation of Rights**

Applicant has canceled claim 39 from further consideration in this application. Applicant is not conceding in this application that the claim is not patentable. Applicant respectfully reserves the right to pursue this and other claims in one or more continuations and/or divisional patent applications.

#### **Claim rejections under 35 USC § 102**

Applicant has cancelled claim 39 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by claim 39 is not patentable over the art cited by the Examiner. Claim 39 was cancelled in this application solely to facilitate expeditious prosecution of the allowable subject matter noted by the Examiner.

#### **Claim rejections under 35 USC § 103(a)**

Applicant has amended claims 40-42 and 45 to depend upon allowable claim 43. Thus, Applicant respectfully argues that claims 40-42 and 45 are allowable because they depend upon allowable claim 43.

**CONCLUSION**

Applicant respectfully addresses the objections and the claim rejections under 35 USC §§ 102 and 103. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance.

No fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 090447 for any such required fee.

Respectfully submitted,

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Date

/Jeffrey S Schubert/

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